

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KERRY B. HOLLEY,

Petitioner,

CASE NO. 07-CV-11503

v.

JEFF WHITE,

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR MODIFICATION OF
CUSTODY STATUS IMMEDIATE RELEASE ON RECOGNIZANCE**

Kerry B. Holley (“Petitioner”) has filed a petition for writ of habeas corpus challenging the revocation of his parole and his continuing incarceration. Before the Court is Petitioner’s April 3, 2007 Motion for Modification of Custody Status Immediate Release on Recognizance. (Docket No. 3).

The United States Court of Appeals for the Sixth Circuit has stated that to receive bond pending a decision in a federal habeas case,

prisoners must be able to show not only a substantial claim of law based on the facts surrounding the petition but also the existence of “some circumstance making [the motion for bail] exceptional and deserving of special treatment in the interests of justice.” There will be few occasions where a prisoner will meet this standard.

Dotson v. Clark, 900 F.2d 77, 79 (6th Cir. 1990) (internal citation omitted). Federal district courts may grant bail when granting the writ. *Sizemore v. District Ct.*, 735 F.2d 204, 208 (6th Cir. 1984). However, to grant bond prior to making a determination on the merits is extraordinary. *Moore v. Egeler*, 390 F. Supp. 205, 207 (E.D. Mich. 1975). This is not such a

case. Having reviewed Petitioner's motion, the Court is not persuaded at this time that the interests of justice require release on personal recognizance bond pending resolution of the habeas petition. Accordingly, the Court **DENIES** Petitioner's motion.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: April 9, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on April 9, 2007.

s/Denise Goodine

Case Manager